

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.17760 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The present writ petition is filed by the petitioner challenging the order of suspension-cum-show cause notice, dated 19.02.2015 whereunder the authorization of her fair price shop is suspended on the ground that she stayed away from the post of dealership of the fair price shop for the last six months and suddenly on 19.01.2015 she approached the Tahsildar, produced demand drafts for supply of essential commodities of their fair price shops.

It is mentioned in the impugned order that even after the direction of this Court in W.P.No.16077 of 2014, the petitioner has not produced the demand drafts before the authorities for the purpose of issuing essential commodities to her fair price shop. It seems that the Tahsildar submitted a report to the Sub-Collector, Penukonda on 09.02.2015 stating that the petitioner has not been submitting the demand drafts for allotment of stocks and basing on the report, the Sub-Collector by order dated 19.02.2015 suspended the authorization of the petitioner.

I have heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies for the State of Andhra Pradesh.

The crucial aspect which requires consideration in the present writ petition is that the petitioners, similarly situated, approached this Court in the month of August, 2014 and filed

W.P.No.16077 of 2014 contending therein that even though their authorizations were valid and subsisting, the revenue authorities were not issuing essential commodities of their respective shops. In the said writ petition, a direction was issued by a learned Single Judge of this Court to issue essential commodities to the fair price shops of the petitioners and 9 others during the subsistence of the authorization.

From the facts and circumstances leading to filing of the aforementioned writ petition, it can be understood that even though the petitioner was having valid authorization, the revenue authorities refused to supply them the essential commodities. Now, again it is contended by the respondents in the writ petition that in spite of a direction issued by the learned Single Judge, the petitioner has not been remitting the amounts by means of demand drafts. This statement seems to be quite unconvincing; the reason being the petitioners who approached this Court by filing the writ petition for a direction to allot essential commodities to their respective authorities would under no circumstances refrain from remitting the amounts by means of demand drafts. Therefore, the contention of the petitioner that even though they are willing to remit the amounts, the respondent-authorities have not been permitting to do so, can be accepted without any hesitation. Therefore, this Court is of the considered view that there are no valid reasons for passing the impugned suspension order-cum-show cause notice and the same is liable to be set aside in the writ petition.

Accordingly, the impugned order, dated 19.02.2015 whereunder the authorization of the petitioner was suspended is hereby set aside and the writ petition is allowed.

Miscellaneous petitions, if any, pending in this writ

petition shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:17.06.2015
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